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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/786,802   First Named Applicant: CORTEZ Bruce

Examiner: HAILU, Kibrom T   Art Unit: 2416   Status of Application: Rejection

Tentative Participants:

(1) Ronald Slusky   (2) Kibrom T .Hailu

(3) _____   (4) Huy D. Vu

Proposed Date of Interview: 07/06/2009   Proposed Time: 11:00 AM   AM/PM

Type of Interview Requested:

(1) ☑ Telephonic   (2) ☐ Personal   (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES   ☑ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Rejection	1-18	Dolganow/McLean	☑	☐	☐
(2)			☐	☐	☐
(3)			☐	☐	☐
(4)			☐	☐	☐

☑ Continuation Sheet Attached

Brief Description of Argument to be Presented:

Applicants claim (e.g. claim 1) that available bandwidth message is sent when particular thresholds are crossed.

These are fixed bandwidth thresholds that are independent of the amount of bandwidth available for the link

at a given time.) Delganow's thresholds for sending messages are NOT independent of the amount of (see continuation

An interview was conducted on the above-identified application on 7/9/09 .

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature
Ronald D. Slusky
Typed/Printed Name of Applicant or Representative
26,585
Registration Number, if applicable

     Examiner/SPE Signature

CONTINUATION SHEET FOR
APPLICANT-INITIATED INTERVIEW REQUEST FORM

APPLICATION 10/786,802

3. Brief Description of Argument to be Presented (continued)

bandwidth available for the link at a given time. Rather, they are based on a percentage of the last advertised bandwidth value. Thus Dolganow's thresholds are DEPENDENT, NOT INDEPENDENT, of the amount of bandwidth available for the link.

Moreover, McLean may have thresholds that are INDEPENDENT of the amount of the bandwidth available for a link. However, those thresholds do not relate to thresholds for determining when an available bandwidth message is to be sent. Therefore, combining the teachings of Delano and McLean does not result in an arrangement which advertises an amount of available bandwidth in response to the available bandwidth having crossed thresholds that are independent of the link's then-available bandwidth.

Rather, the sending of available bandwidth messages (advertising) in any combination of Dolganow with McLean would necessarily still use Dolganow's scheme for deciding when to send them.

The fact that it might be obvious to use McLean's thresholds in Dolganow for one purpose—namely for the reasons cited by the examiner—does not render it obvious to use McLean's thresholds for all purposes. Since McLean is totally silent about the sending of bandwidth advertising messages, there is no basis to assert that the person of ordinary skill would be led by anything in McLean to modify Dolganow's percentage-based scheme for determining when to send such messages.

Applicants are NOT saying that there is no motivation to combine. Applicants are saying that any obvious combination motivated by the teachings of McLean would not have any affect on the criteria for sending available bandwidth messages.